

**REMARKS**

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated October 21, 2002, claims 1-24 are pending in the application. Claim 25 was added above. Applicant respectfully requests the Examiner for reconsideration.

Claims 1, 3-5, 7, 8, 13-15, 17, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Turpin* (6,182,407).

Claim 1 has been amended to include a top rail, bottom rail, hinge stile, and a latch stile. The stiles and rails form a void therebetween. The spacer is disposed within the void.

The *Turpin* reference is directed to a barrier wall construction that includes a stud, intumescent material, and gypsum board. The *Turpin* reference does not teach or suggest the use in a door construction. Claim 1 now recites a hinge stile, latch stile, top rail, and bottom rail. The *Turpin* reference does not include a top rail, bottom rail, hinge stile or latch stile. Applicant would like to further note that the *Turpin* reference also does not teach outer skins as defined in the present invention. Applicant respectfully requests the Examiner for reconsideration of claim 1 and claims 3-5, 7, and 8.

Claims 13-15 are dependent from claim 9. Claim 9 includes a top rail and bottom rail. The top rail and bottom rail are not taught or suggested in the *Turpin* reference. Therefore, claims 13-15, because they are further limitations of claim 9, are also not taught or suggested in the *Turpin* reference. Also, claims 17 and 18 are further limitations of claim 9 and are also not taught in the *Turpin* reference.

Applicant therefore requests the Examiner for a reconsideration of the rejection under §102(b) under *Turpin* since the *Turpin* reference does not teach or suggest each and every one of the elements.

Claims 2, 6, 12, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Turpin*. Claims 2, 6, 12, and 16 are also further limitations of independent claims 1, as amended, and claim 9. As mentioned above, claim 1 has been amended to include top and bottom rails. Claim 9 includes top and bottom rails. No teaching or suggestion is found in the *Turpin* reference for top and bottom rails. This is not surprising since the *Turpin* reference is directed to a wall construction rather than a door.


Claims 9, 10, 19, and 24 stand rejected as being unpatentable over *Turpin* in further view of *Kempel* (6,311,454). Applicant respectfully traverses. As mentioned above, the claims of the present invention are directed to a door assembly. Claim 9 includes a top rail and a bottom rail. The *Turpin* reference is directed to a wall assembly that does not include a top and bottom rail. On page 4 of the Office Action the Examiner states that, "Turpin et al. does not show a top and bottom rail." The *Kempel* reference is cited for the showing of a top and bottom rail. Applicant agrees that the *Kempel* reference shows a top and bottom rail. Applicant, however, believes that there is no teaching or suggestion found in either one of the references for the combination. The *Turpin* reference is directed to a wall construction and the *Kempel* reference is directed to a door construction. Applicant respectfully submits that there was no teaching or suggestion in either the two references for making the combination. Applicant respectfully submits that the Examiner is forming a hindsight reconstruction.

The hindsight reconstruction is formed using two dissimilar art areas. That is, the door art and the wall construction art.

Claim 20 is similar to claim 1 in structure except that claim 20 recites a method for forming a door. As mentioned above, this is not taught or suggested in the *Kempel* reference or the *Turpin* reference. Applicant therefore respectfully requests the Examiner for a reconsideration of this rejection as well.

In light of the above remarks, applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney. Please charge any fees associated with this amendment to Deposit Account 50-0476

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In The Claims:**

1. (Amended) A door assembly comprising:

a top rail;

a bottom rail;

a hinge stile;

a latch stile, said top rail, said bottom rail, said latch stile, said hinge stile

and defining a door void therebetween;

a spacer disposed within the void having a first side and a second side;

a first sheet of fire-resistant insulating material coupled to said first side;

a second sheet of fire-resistant insulating material coupled to said second side;

a first outer skin coupled adjacent to said first sheet opposite said spacer;

and

a second outer skin coupled adjacent to said second sheet opposite spacer.

9. (Amended) A door assembly comprising:

a first vertical edge;

a second vertical edge [space] spaced apart from said first vertical edge;

a top rail coupled to said first vertical edge and said second vertical edge;

a bottom rail spaced apart from said top rail coupled to said first vertical edge and said second vertical edge;

a plurality of spaced-apart spacers disposed between said first vertical edge, said second vertical edge, said top rail and said bottom rail, said plurality of spaced-apart spacers having a first side and a second side;

a first sheet of fire-resistant insulating material coupled to said first side;

a second sheet of fire-resistant insulating material coupled to said second side;

a first outer skin coupled to said first sheet opposite said plurality of

spacers; and

a second outer skin coupled to said second sheet opposite said plurality of spacers.

11. (Amended) A door assembly as recited in claim 9 wherein said [first] second sheet of fire-resistant insulating material is coupled to said first vertical edge, said second vertical edge, said top rail and said bottom rail.

20. (Amended) A method of forming a door comprising:

coupling a plurality of spaced-apart spacers, a pair of rails and a pair of stiles between a first sheet of fire-resistant insulating material and a second sheet of fire-resistant insulating material;

coupling a first outer skin to the first sheet of fire-resistant insulating material; and

coupling a second outer skin to the second sheet of fire-resistant insulating material.

25. (NEW) A door assembly as recited in claim 1 wherein said top rail, said bottom rail, said hinge stile and said latch stile have a define a first thickness, said spacer, said first sheet of fire resistant material and said second sheet of fire resistant material having the first thickness.